

JS 44 (Rev. 06/17)

JS

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

17-CV-5031

I. PLAINTIFFS

KATHERINE TOHANCZYN, individually and on behalf of all others similarly situated.

Montgomery

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Cynthia Z. Levin, Esq., LAW OFFICES OF TODD M. FRIEDMAN, P.C.,
1150 First Avenue, Suite 501, King of Prussia, PA 19406

DEFENDANTS
IQ DATA INTERNATIONAL, INC., and DOES 1 through 10, inclusive, and each of the,

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) 1 U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)Citizen of This State PTF DEF Incorporated or Principal Place of Business In This State PTF DEFCitizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 5Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personnel Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	FEDERAL TAX SUITS	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	IMMIGRATION	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 462 Naturalization Application	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 465 Other Immigration Actions	
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. 1692**VI. CAUSE OF ACTION**Brief description of cause:
Violations of the Fair Debt Collection Practices Act**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

5,000,001.00

CHECK YES only if demanded in complaint:

 Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

NOV - 7 2017

DATE

11/7/2017

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Carla Z. Levin

RECEIPT # _____ AMOUNT _____

APPLYING IPP _____

JUDGE _____

MAG. JUDGE _____

UNITED STATES DISTRICT COURT

17 5031

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2065 Stewart Dr. Hatfield PA 19440

Address of Defendant: 1000 SE Everett Mall Way Ste 100 Everett, WA 98208

Place of Accident, Incident or Transaction: 2065 Stewart Dr. Hatfield PA 19440

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

- Indemnity Contract, Marine Contract, and All Other Contracts
- FELA
- Jones Act-Personal Injury
- Antitrust
- Patent
- Labor-Management Relations
- Civil Rights
- Habeas Corpus
- Securities Act(s) Cases
- Social Security Review Cases
- All other Federal Question Cases
(Please specify) 27 U.S.C. § 227, TCPA

B. Diversity Jurisdiction Cases:

- Insurance Contract and Other Contracts
- Airplane Personal Injury
- Assault, Defamation
- Marine Personal Injury
- Motor Vehicle Personal Injury
- Other Personal Injury (Please specify)
- Products Liability
- Products Liability — Asbestos
- All other Diversity Cases

(Please specify)

I, Cynthia Z. Levin,

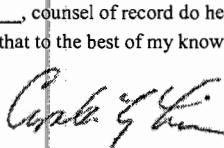
counsel of record do hereby certify:

 Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought.

DATE: November 7, 2017

ARBITRATION CERTIFICATION

(Check Appropriate Category)



27050

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

NOV - 7 2017

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: November 7, 2017

Attorney-at-Law

27050

Attorney I.D.#

CIV. 609 (6/08)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Katherine Tohanczyn

CIVIL ACTION

v.

17 5031

IQ Data International, Inc.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

11/7/2017

Cynthia Z. Levin

Plaintiff, Katherine Tohanczyn

Date

Attorney-at-law

Attorney for

888.595.9111 ext 618

877.206.4741

clevin@attorneysforconsumers.com

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

NOV - 7 2017

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TODD M. FRIEDMAN, ESQ.*

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21550 Oxnard St., Suite 780
WOODLAND HILLS, CA 91367

CYNTHIA Z. LEVIN, ESQ.**

Attorney in charge of PA office

**LICENSED IN PA and NJ

PRINCIPAL OFFICE, CHERRY HILL, NJ

PA MAILING ADDRESS
1150 FIRST AVENUE, SUITE 501
KING OF PRUSSIA, PA 19406

Dated: November 2, 2017

United States District Court Eastern District of Pennsylvania
601 Market Street, Room 2609
Philadelphia, PA 19106-1797

Re: Katherine Tohanczyn v. IQ Data International, Inc.

Dear Filing Clerk:

Please file the enclosed Complaint, Civil Case Cover Sheet, Summons, Designation Form, and Case Tracking Form, as soon as possible. I've also enclosed a check for \$400.00 for filing fees. Please return the conformed copy and a receipt to me via the self-addressed stamped envelope.

Please contact me directly with any questions or concerns.

Thank you,



Cynthia Z. Levin

JS

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K400
Cynthia Z. Levin, Esq. (SBN 27050)
LAW OFFICES OF TODD M. FRIEDMAN, P.C.
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Phone: 888-595-9111 ext. 618
Fax: 866 633-0228
clevin@attorneysforconsumers.com
Attorney for Plaintiff

1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

KATHERINE TOHANCZYN,) Case No. 17 5031
individually and on behalf of all others)
similarly situated,)
Plaintiff,)
vs.)
IQ DATA INTERNATIONAL, INC.,)
and DOES 1 through 10, inclusive, and)
each of them,)
Defendant.)

)

) CLASS ACTION
)
) COMPLAINT FOR VIOLATIONS
OF:
)
1. Fair Debt Collection
Practices Act
DEMAND FOR JURY TRIAL
FILED

NOV - 7 2017
By KATE BARKMAN, Clerk
Dep. Clerk

COMPLAINT

1. Plaintiff, Katherine Tohanczyn (hereinafter referred to as "Plaintiff"), is an adult individual citizen, natural person, and legal resident of the Commonwealth of Pennsylvania, residing at 134 Plymouth Road, #1301, Plymouth Meeting, PA 19462. Plaintiff was, at all times relevant herein, a "consumer" as the

S

term is defined under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692a(3).

2. Defendant, IQ Data International, Inc. (hereinafter referred to as “IQ Data”), is a corporation that is qualified to and regularly conducts business in the Commonwealth of Pennsylvania.

3. IQ Data maintains its legal residence in Washington State, and can be served at Corporation Service Company at 300 Deschutes Way, SW, Ste 304, Tumwater, WA 98501.

4. IQ Data and Experian will be referred to as “Defendant”.

5. Plaintiff avers that Defendant acted by and through its authorized agents, servants, officers, and/or employees at all times material hereto and described herein.

6. IQ Data was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by the FDCPA, 15 U.S.C. §1692a(5). IQ Data is a creditor who, in the process of collecting its own debts, uses any name other than its own which would indicate that a third person is collecting or attempting to collect such debts and is therefore subject to the regulation of the FDCPA pursuant to the FDCPA, 15 U.S.C. §1692a(6). See Fleming v. IQ Data Mgmt. Servs., L.P., No. 2:15-CV-00174-SMJ, 2016 WL 4491846 (E.D. Wash. Aug. 25, 2016).

BACKGROUND

7. Beginning in or around June of 2017 and at various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, IQ Data contacted Plaintiff in an attempt to collect an alleged outstanding, albeit erroneous, debt.

8. Prior to June of 2017, Defendant obtained ownership of an alleged debt owned by Plaintiff. However, Plaintiff is informed and believes that Plaintiff does not owe this alleged debt.

9. IQ Data refused to validate the debt and continued its collection efforts.

10. IQ Data then went on to report the debt on Plaintiff's "consumer report" as the term is defined in the FCRA, 15 U.S.C. § 1681a(d), and IQ Data continued to furnish derogatory information in connection with collection on an alleged debt well into the next year.

11. Despite her efforts, Defendants continue to erroneously furnish derogatory information on her consumer report.

12. IQ Data's conduct violated the FDCPA in multiple ways, including but not limited to:

- a. Falsely representing the character, amount, or legal status of Plaintiff's debt (15 U.S.C. § 1692e(2)(A));
- b. Communicating or threatening to communicate credit information which is known or which should be known to be false (15 U.S.C. § 1692e(8)); and

- c. Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff (15 U.S.C. § 1692e(10)).

13. As a result of the above violations of the FDCPA Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress, and IQ Data is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

COUNT I
VIOLATION OF THE FEDERAL FAIR DEBT COLLECTION
PRACTICES ACT

14. Plaintiff hereby incorporates all facts and allegations set forth in this Complaint by reference as if fully set forth at length herein.

15. Insofar as IQ Data's conduct herein described violates the FDCPA, such violations were done purposefully, knowingly, or with extreme reckless disregard for the law and human decency reasonably expected by any consumer of a debt collector.

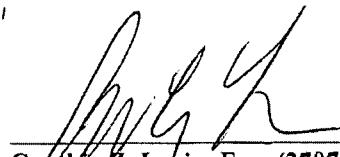
PRAAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and
- E. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 29th day of October, 2017.



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Attorney for Plaintiff